

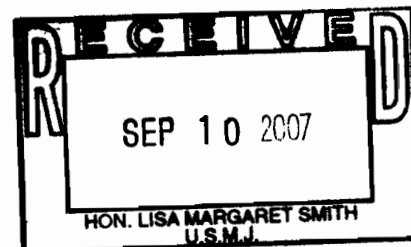


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September 7, 2007

VIA REGULAR MAIL

Magistrate Judge Lisa Margaret Smith
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601-4150



Re: *Michelle Wilson v. The Northwestern Mutual Life Insurance Company*
Civil Action No. 07 CV 2790 (CLB)
RR File No.: 009135-00027

Dear Magistrate Judge Smith:

This firm represents defendant The Northwestern Mutual Life Insurance Company in the above matter. We write to you today in accordance with your Individual Practice Rule 2A to request an informal conference with the Court pursuant to Local Civil Rule 37.2 with regard to a discovery dispute. Attached hereto as Exhibit "A" is the Civil Case Discovery Plan and Scheduling Order ("Order") which provides for the service of Interrogatories by all counsel no later than June 29, 2007 and the service of First Request for Production of Documents to be served no later than that same date. Defendant served its First Set of Interrogatories (attached hereto as Exhibit "B") and First Request for Production of Documents (attached hereto as Exhibit "C") on June 29, 2007. The Order also provides that depositions are to be completed by August 31, 2007, but that depositions are not to be held until all parties have responded to any First Requests for Production of Documents.

Plaintiff has utterly failed to respond to Defendant's First Set of Interrogatories and First Request for Production of Documents. By letter dated August 21, 2007 (attached hereto as Exhibit "D"), we wrote to plaintiff's counsel requesting that plaintiff respond to defendant's discovery requests on or before August 31, 2007 so that defendant might thereafter schedule depositions if it deemed them to be necessary. The August 21 letter also noted that plaintiff failed to serve any discovery in this matter, and that it was Northwestern Mutual's position that plaintiff has waived any right to serve Interrogatories or a First Request for Production of Documents or to depose any parties or non-parties in this action.

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The purpose of this letter is to request an informal conference with the Court seeking an Order requiring plaintiff to respond, without objection, to Plaintiff's First Set of Interrogatories and First Request for Production of Documents by a date certain; that the Court permit defendant to depose plaintiff, if it deems such a deposition necessary, within 45 days after its receipt of plaintiff's discovery responses; and that an Order be entered providing that plaintiff has waived her right to any discovery in this action given her failure to comply with the discovery cutoffs set forth in the Order.

Respectfully submitted,

RIVKIN RADLER LLP

A handwritten signature in black ink, reading "Norman Tolle". The signature is written in a cursive, flowing style.

Norman L. Tolle

NLT/lis

cc: Douglas Dollinger, Esq. (via regular mail)